

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KEYBANK NATIONAL ASSOCIATION,

Plaintiff,

-v.-

STALLION AVIATION LLC, TVPX AIRCRAFT
SOLUTIONS INC. (as Owner Trustee under the TVPX
2022 GV MSN 5265 Business Trust), and MOSHE SILBER,

Defendants.
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: Civil Action No.
: 24-cv-02610(JSR)

ANSWER

Defendants, Stallion Aviation LLC (“Stallion”) and Moshe Silber (“Silber”), by their undersigned attorneys, hereby answer the Verified Complaint (the “Complaint”) of the plaintiff, KeyBank National Association, and allege as follows:

1. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 1 of the Complaint, and respectfully refer the Court to the referenced documents, convention, protocol and treaty for a precise understanding of their terms, provisions and legal effect.

2. Deny the allegations contained in paragraph 2 of the Complaint with respect to the current legal status of the Aircraft, but admit, upon information and belief, that the current value of the Aircraft exceeds \$20 million.

3. Admit that the transactions described in paragraph 3 of the Complaint took place, but otherwise deny the legal conclusions stated therein and respectfully refer the Court to the referenced documents for a precise understanding of their terms, provisions and legal effect.

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4. Admit that the transactions described in paragraph 4 of the Complaint took place, but otherwise deny the legal conclusions stated therein and respectfully refer the Court to the referenced documents for a precise understanding of their terms, provisions and legal effect.

5. Deny the allegations contained in paragraph 5 of the Complaint except that Stallion and Silber have not paid the alleged indebtedness.

6. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 6 of the Complaint.

7. Deny the allegations contained in paragraph 7 of the Complaint.

8. Deny the allegations contained in paragraph 8 of the Complaint as moot.

9. Deny the allegations contained in paragraph 9 of the Complaint.

10. Paragraph 10 of the Complaint contains legal arguments to which no response is required.

11. Paragraph 11 of the Complaint contains legal arguments to which no response is required.

12. Paragraph 12 of the Complaint contains legal arguments to which no response is required.

13. Paragraph 13 of the Complaint contains legal arguments to which no response is required.

14. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 14 of the Complaint.

15. Admit the allegations contained in paragraph 15 of the Complaint.

16. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 16 of the Complaint.

17. Admit the allegations contained in paragraph 17 of the Complaint.

18. Admit that the transaction described in paragraph 18 of the Complaint took place, but otherwise deny the legal conclusions stated therein and respectfully refer the Court to the referenced

documents for a precise understanding of their terms, provisions and legal effect.

19. Admit generally the vague allegations contained in paragraph 19 of the Complaint.

20. Admit that the transaction described in paragraph 20 of the Complaint took place and respectfully refer the Court to the referenced documents for a precise understanding of their terms, provisions and legal effect.

21. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 21 of the Complaint.

22. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 22 of the Complaint.

23. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 23 of the Complaint.

24. Admit that the transaction described in paragraph 24 of the Complaint took place, but otherwise deny the legal conclusions stated therein and respectfully refer the Court to the referenced documents for a precise understanding of their terms, provisions and legal effect.

25. Admit that the transaction described in paragraph 25 of the Complaint took place and respectfully refer the Court to the referenced documents for a precise understanding of their terms, provisions and legal effect.

26. Admit that the transaction described in paragraph 26 of the Complaint took place, but otherwise deny the legal conclusions stated therein and respectfully refer the Court to the referenced documents for a precise understanding of their terms, provisions and legal effect.

27. Admit that the transaction described in paragraph 27 of the Complaint took place and respectfully refer the Court to the referenced documents for a precise understanding of their terms,

provisions and legal effect.

28. Admit that the transaction described in paragraph 28 of the Complaint took place and respectfully refer the Court to the referenced documents for a precise understanding of their terms, provisions and legal effect.

29. Admit that the transaction described in paragraph 29 of the Complaint took place, but otherwise deny the legal conclusions stated therein and respectfully refer the Court to the referenced documents for a precise understanding of their terms, provisions and legal effect.

30. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 30 of the Complaint.

31. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 31 of the Complaint.

32. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 32 of the Complaint.

33. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 33 of the Complaint.

34. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 34 of the Complaint.

35. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 35 of the Complaint.

36. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 36 of the Complaint.

37. Admit that the transaction described in paragraph 37 of the Complaint took place and respectfully refer the Court to the referenced documents for a precise understanding of their terms, provisions and legal effect.

38. Paragraph 38 of the Complaint contains legal arguments to which no response is required.

39. Admit that the transaction described in paragraph 39 of the Complaint took place, but otherwise deny the legal conclusions stated therein and respectfully refer the Court to the referenced documents for a precise understanding of their terms, provisions and legal effect.

40. Admit that the transaction described in paragraph 40 of the Complaint took place and respectfully refer the Court to the referenced documents for a precise understanding of their terms, provisions and legal effect.

41. Admit that the transaction described in paragraph 41 of the Complaint took place and respectfully refer the Court to the referenced documents for a precise understanding of their terms, provisions and legal effect.

42. Paragraph 42 of the Complaint contains legal definitions to which no response is required.

43. Admit that the transaction described in paragraph 43 of the Complaint took place and respectfully refer the Court to the referenced documents for a precise understanding of their terms, provisions and legal effect.

44. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 44 of the Complaint.

45. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 45 of the Complaint.

46. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 46 of the Complaint.

47. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 47 of the Complaint.

48. Deny the allegations contained in paragraph 48 of the Complaint.

49. Admit the allegations contained in paragraph 49 of the Complaint as to Stallion only.

50. Admit the allegations contained in paragraph 50 of the Complaint as to the Notice.

51. Admit the allegations contained in paragraph 51 of the Complaint.

52. Deny the allegations contained in paragraph 52 of the Complaint.

53. Admit the allegations contained in paragraph 53 of the Complaint.

54. Deny the allegations contained in paragraph 54 of the Complaint.

55. Deny the allegations contained in paragraph 55 of the Complaint.

56. Admit the allegations contained in paragraph 56 of the Complaint.

57. Admit the allegations contained in paragraph 57 of the Complaint..

58. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 58 of the Complaint.

59. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 59 of the Complaint.

60. Deny the allegations contained in paragraph 60 of the Complaint.

61. Deny the allegations contained in paragraph 60 of the Complaint.

62. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 62 of the Complaint.

63. Paragraph 63 of the Complaint contains legal arguments to which no response is required.

64. Paragraph 64 of the Complaint contains legal arguments to which no response is required.

65. Paragraph 65 of the Complaint contains legal arguments to which no response is required.

66. Paragraph 66 of the Complaint contains legal arguments to which no response is required.

67. Paragraph 67 of the Complaint contains legal arguments to which no response is required.

68. Paragraph 68 of the Complaint contains legal arguments to which no response is required.

69. Paragraph 69 of the Complaint contains legal arguments to which no response is required.

70. Paragraph 70 of the Complaint contains legal arguments to which no response is required.

71. Paragraph 71 of the Complaint contains legal arguments to which no response is required.

72. Paragraph 72 of the Complaint contains legal arguments to which no response is required.

73. Paragraph 73 of the Complaint contains legal arguments to which no response is required.

74. Paragraph 74 of the Complaint contains legal arguments to which no response is required.

75. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 75 of the Complaint.

76. Paragraph 76 of the Complaint contains legal arguments to which no response is required.

77. Defendants, Stallion and Silber, repeat and reallege the preceding answers herein.

78. Paragraph 78 of the Complaint contains legal arguments to which no response is required.

79. Deny the allegations contained in paragraph 79 of the Complaint.

80. Deny the allegations contained in paragraph 80 of the Complaint.

81. Admit the allegations contained in paragraph 81 of the Complaint.

82. Deny the allegations contained in paragraph 82 of the Complaint.

83. Deny the allegations contained in paragraph 83 of the Complaint.

84. Deny the allegations contained in paragraph 84 of the Complaint.
85. Defendants, Stallion and Silber, repeat and reallege the preceding answers herein.
86. Paragraph 86 of the Complaint contains legal arguments to which no response is required.
87. Paragraph 87 of the Complaint contains legal arguments to which no response is required.
88. Deny the allegations contained in paragraph 88 of the Complaint.
89. Deny the allegations contained in paragraph 89 of the Complaint.
90. Admit the allegations contained in paragraph 90 of the Complaint.
91. Deny the allegations contained in paragraph 91 of the Complaint.
92. Deny the allegations contained in paragraph 92 of the Complaint.
93. Defendants, Stallion and Silber, repeat and reallege the preceding answers herein.
94. Paragraph 94 of the Complaint contains legal arguments to which no response is required.
95. Paragraph 95 of the Complaint contains legal arguments to which no response is required.
96. Paragraph 96 of the Complaint contains legal arguments to which no response is required.
97. Paragraph 97 of the Complaint contains legal arguments to which no response is required.
98. Paragraph 98 of the Complaint contains legal arguments to which no response is required.
99. Defendants, Stallion and Silber, repeat and reallege the preceding answers herein.
100. Paragraph 100 of the Complaint contains legal arguments to which no response is required.
101. Paragraph 101 of the Complaint contains legal arguments to which no response is required.
102. Paragraph 102 of the Complaint contains legal arguments to which no response is required.

103. Deny the allegations contained in paragraph 103 of the Complaint.

104. Paragraph 104 of the Complaint contains legal arguments to which no response is required.

105. Deny the allegations contained in paragraph 105 of the Complaint.

106. Deny the allegations contained in paragraph 106 of the Complaint.

107. Paragraph 107 of the Complaint contains legal arguments to which no response is required.

108. Paragraph 108 of the Complaint contains legal arguments to which no response is required.

FIRST AFFIRMATIVE DEFENSE

109. The Complaint fails to state a valid cause of action for which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

110. Plaintiff's claims are barred by the Statute of Frauds.

THIRD AFFIRMATIVE DEFENSE

111. Plaintiff's claims are barred by the doctrines of res judicata or collateral estoppel.

FOURTH AFFIRMATIVE DEFENSE

112. Plaintiff's claims are barred by its failure to mitigate damages.

FIFTH AFFIRMATIVE DEFENSE

113. Plaintiff is barred from recovery in that any loss or damage it allegedly suffered was due to its own actions, omissions and/or culpable conduct, or that of its agents.

SIXTH AFFIRMATIVE DEFENSE

114. Plaintiff has not sustained any damages, as the fair market value of the Collateral

exceeds the amount due plaintiff.

SEVENTH AFFIRMATIVE DEFENSE

115. Plaintiff's claims for monetary damages are not ripe, as plaintiff is in possession of the seized Collateral which has not been liquidated.

EIGHTH AFFIRMATIVE DEFENSE

116. This action should be stayed until such time as plaintiff sells the seized Collateral.

NINTH AFFIRMATIVE DEFENSE

117. Plaintiff's claims are barred due to its unclean hands, as the alleged default was non-material and one which the plaintiff would typically waive but was fabricated to fulfill other objectives of the plaintiff.

WHEREFORE, defendants, Stallion Aviation LLC and Moshe Silber, respectfully demand judgment dismissing the Complaint with prejudice together with the costs and disbursements of this action, and such other and further relief as the Court may deem just, equitable and proper.

Dated: July 15, 2024

Law Office of Sheldon H. Gopstein, Esq.

By: 
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